



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/538,279	10/02/95	WERRE	J 95-02-02

HARRY M CROSS JR
P O BOX 280
MISSOULA MT 59806

F1M1/1112

EXAMINER

FULTON, C

ART UNIT PAPER NUMBER

3108

3

DATE MAILED:

11/12/96

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/538,279

Applicant(s)

Werre

Examiner

Christopher W. Fulton

Group Art Unit

3108



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-6 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-6 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3108

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 5 and 6 are vague and indefinite at lines 6 and 13 respectively with respect to "by bar" which is grammatically incorrect and indefinite for not indicating which bar is being referenced, a new bar or the bar already recited.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over the "scope alignment rods" on page 197 of Brownells Catalog No. 47 for 1994-1995 in view of Callahan.

The "scope alignment rods" on page 197 of Brownells Catalog No. 47 for 1994-1995 discloses the claimed device except for the inner ends of the alignment bars being planar. Callahan discloses at column 1 lines 45-50 that it is known in the art to provide a planar end on shafts 23 to visually determine of the shafts a in alignment. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the shafts of the "scope alignment rods" on page 197 of Brownells Catalog

Art Unit: 3108

No. 47 for 1994-1995 with the planar ends of Callahan, in order to visually determine if the shafts are in alignment.

4. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the "scope alignment rods" on page 197 of Brownells Catalog No. 47 for 1994-1995 in view of Callahan as applied to claims 1 and 2 above, and further in view of Anderson.

The "scope alignment rods" on page 197 of Brownells Catalog No. 47 for 1994-1995 and Callahan together disclose the claimed device except for the knurled portion to turn the shafts and the annular groove to mark which end is not to be hammered. Anderson discloses that it is known in the art to provide a knurled portion to turn a shaft and to provide a annular groove to mark the measuring end of a shaft. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the shaft of the combination of the "scope alignment rods" on page 197 of Brownells Catalog No. 47 for 1994-1995 and Callahan with the knurled portion of Anderson, in order to turn the shaft during testing and to provide the shaft of the combination of the "scope alignment rods" on page 197 of Brownells Catalog No. 47 for 1994-1995 and Callahan with the annular groove of Anderson to indicate the measurement end of the shaft.

Allowable Subject Matter

5. Claims 5 and 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

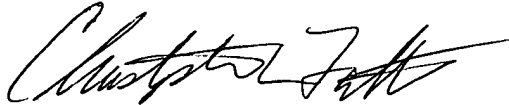
Serial Number: 08/538,279

Page 4

Art Unit: 3108

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. C. W. Fulton whose telephone number is (703) 308-1113.

CWF
November 7, 1996

A handwritten signature in cursive script, appearing to read "Christopher W. Fulton".

Christopher W. Fulton
Primary Examiner
Group 3100